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6
7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA
9

10 JOE M. TRUJILLO,

11 Plaintiff,

12 v.

13 JO ANNE B. BARNHART,
Commissioner of
14 Social Security,

15 Defendant.
16

CIV-S-04-1485 PAN

**STIPULATION AND ~~proposed~~
ORDER OF REMAND PURSUANT
TO SENTENCE SIX OF 42 U.S.C. §
405(g)**

17 IT IS HEREBY STIPULATED by the parties, through their undersigned attorneys, and with
18 the approval of the Court as provided below, that this case shall be remanded for further
19 administrative proceedings pursuant to the sixth sentence of 42 U.S.C. § 405(g). The Commissioner
20 is unable to locate the claim file containing the Administrative Law Judge's decision of August 23,
21 2003, and the cassette tape from the hearing held on May 19, 2003. Good cause therefore exists to
22 remand this case for further proceedings. See Shalala v. Schaefer, 113 S.Ct. 2625, 2629 n.2 (1993);
23 Melkonyan v. Sullivan, 501 U.S. 89, 101 n.2 (1991); (H.R. Conf. Rep. No. 96-944, at 44 (1980),
24 *reprinted in* 1980 U.S.C.C.A.N. 1392.).

25 Accordingly, within 90 days of receipt of the Court Order of Remand, the Appeals Council
26 will remand the case to an Administrative Law Judge for reconstruction of the administrative record.

27 The parties further stipulate that counsel for Plaintiff will provide a facsimile of this
28 stipulation bearing counsel's signature for retention in Defendant's case file, and hereby authorizes

counsel for Defendant to file this document in PDF format under the latter's Electronic Case Filing password, pursuant to Local Rule 7-131.

DATED: May 12, 2005

/s/ Bruce J. Hagel

BRUCE J. HAGEL
Attorney at Law

Attorney for Plaintiff

DATED: May 12, 2005

McGREGOR W. SCOTT
United States Attorney

By: /s/ Bobbie J. Montoya

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Assistant Regional Counsel

Office of the General Counsel
U. S. Social Security Administration

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ORDER

For good cause shown, TRUJILLO v. BARNHART (CIV-S-04-1485 PAN), is hereby
REMANDED under sentence six of 42 U.S.C. § 405(g), pursuant to the stipulation of the
parties.

SO ORDERED.

Dated: May 18, 2005.

/s/ Peter A. Nowinski
PETER A. NOWINSKI
Magistrate Judge